

Royal Fumigation

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April 2, 2003

By E-mail and Federal Express

Dockets Management Branch (HFA-305)
Food and Drug Administration
5630 Fishers Lane, Room 1061
Rockville, Maryland 20852
ATTN: Docket No. 02N-0278

Re: **Docket No. 02N-0278**
Comments on Section 307, Prior Notice of Imported Food Shipments
Public Health Security and Bioterrorism Preparedness and Response
Act of 2002 (Pub. L. 107488)

Dear Madam or Sir:

Royal Fumigation Inc.¹ is pleased to respond to the Food and Drug Administration's (FDA's) request for comments on implementation of Section 307 of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Bioterrorism Act), Pub. L. 107-188. Royal supports necessary and appropriate measures to combat bioterrorism, yet we are concerned that the minimum prior notice period required under the Bioterrorism Act for imported foods may be disruptive to commerce.

In our work at East Coast ports, we at Royal are very familiar with the time demands of fresh fruit and vegetable imports. Because fresh produce is perishable, and because of volatile market demands, produce moves very quickly through the distribution system. This is especially true for imported produce, for which shelf life and storage life are already paramount. We believe, however, that a balance can be struck that adequately meets both security and the importers' concerns, and the key to this balance lies in the registry and reporting system already in place between the U.S. and Chile, as implemented by a joint effort of the Chilean Exporters Association and the Chilean counterpart to the USDA.

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¹ Royal performs USDA-mandated quarantine fumigations of more than half of the fruit that is imported into the U.S. East Coast each winter from Chile.

That system is detailed in the comment filed by the Chilean Exporters Association to Section 307 in a letter from its representatives, David Holzworth, U.S. General Counsel, and Ronald Bown, Chairman of the Board. Rather than repeat the substance of the comment, Royal simply incorporates and supports it. This excerpt summarizes it:

ASOEX [the Chilean Exporters Association] urges FDA to specifically provide in its implementing regulations for the integration and reliance upon existing reporting and control requirements and procedures to accomplish, whenever appropriate, the security objectives of the Security and Bioterrorism Preparedness Act of 2002. ... the reporting data required by the proposed regulations is already contained in: (1) a registry data base maintained by ASOEX and the Chilean government equivalent of USDA known as SAG; (2) reporting and control procedures administered by ASOEX/SAG pursuant to a cooperative agreement with USDA; (3) security procedures initially adopted and since improved as the result of an agreement reached with FDA after a terrorist threat to the Chilean fruit and vegetable export sector in 1989; and (4) reports provided to U.S. Customs to comply with the new customs regulations requiring advance notice of shipments destined to the United States.

Thank you for this opportunity to be heard on this vital matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Roy Richardson', with a stylized, flowing script.

Roy Richardson, President

cc: David A. Holzworth, Esquire (by e-mail)
Ronald Bown (by e-mail)